

Involving Citizens

Citizen Involvement in Land Use Decisions

Land use planning has been delegated to local jurisdictions in Delaware. Delaware's counties and municipalities have comprehensive plans, zoning ordinances, and other land use regulations that dictate what land uses are appropriate in various areas of the jurisdiction and how land will be developed.

Most local jurisdictions in the state have local planning commissions and boards of adjustment which serve in either a decision making or an advisory capacity to the local legislative body. Meetings of local town or county councils, planning commissions, and boards of adjustment are public. Most of these bodies hold public hearings or workshops about land use issues. As a citizen, this is your best opportunity to be involved with the land use decision making process in your area.

The development of a Comprehensive Plan is perhaps the most important step for the town or county. This document sets the overall pattern of land use, and all land use regulations are based upon

this document. Many jurisdictions conduct extensive public participation efforts to gauge citizen input on these important documents.

A Citizen's Guide to the Land Use Planning Process

Public Hearings can be citizen's avenue to participating in land use and community planning decisions. Public involvement is an important component of the planning process.

The phrase "public listening" describes the ideal public hearing: all parties – commission members, petitioners, opponents, proponents – together listening to one another, weighing all the options, and arriving decisions that promote the common good.³⁰

The public hearing is democracy at work and this section may serve as a guide for citizens interested in participating in this unique opportunity.

All incorporated municipalities in Delaware are enabled to have planning/zoning commissions.

³⁰ Adapted from "Plan Commission Public Hearings: A Citizen's Guide", Purdue University Cooperative Extension Service, 1999.

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Finding out about the planning commission

The first step is to find out when the planning commission has its regular meetings and if it is working on any special projects. The local newspaper is a great source of information. Local newspapers usually cover the activities of the planning commission and often include the dates, time, and places for upcoming meetings. The “blue” pages of your local phonebook should list the numbers for local government offices in your area. A call to the city/town manager’s office, or planning office, should help you find out about your local planning commission’s meeting schedule.

Another source of information is the Internet. An increasing number of communities have on-line community calendars listing meeting times. If you don’t know if your community has a web site a visit to the Office of State Planning Coordination (State Planning Office’s) web site (<http://www.state.de.us/planning>) or the League of Local Governments (<http://www.ipa.udel.edu/localgovt/dllg/>

municipalities/index.html) site which is hosted by the University of Delaware, could provide the needed information. Many of these networks maintain online calendars.

Delaware’s “Open Meetings” and “Open Records Laws”

29 Del. C. § 10001 et. seq. states that Public Meetings and Public Records shall be available to citizens, except for the following exceptions:

Closed Meetings: include criminal investigations; employee evaluations; attorney client discussions; collective bargaining; real estate transactions; student disciplinary hearings; and attorney-client meetings.

Closed Records: include personnel, medical, and student files; trade, investigative, and intelligence documents; charitable donations; collective bargaining and pending lawsuits.

The Public Hearing Agenda

Planning commissions may differ in the way in which their agendas are

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organized. the following is an example of a basic public hearing agenda.³²

1. Chair calls the hearing to order.
2. Secretary or plan director presents the application.
3. Plan director presents staff report.
4. The petitioner (individual proposing a project, zoning change request, and so forth) or representative presents facts and argument in support of a case.
5. Comments from organized groups, committees, or individuals regarding the merits of the case are heard.
6. Comments from organized groups, committees, or individuals in opposition to the case are heard.
7. Rebuttal by the petitioner is heard.
8. Chair may ask questions of the petitioner, supporters, and or opposition.

9. Chair closes the public hearing portion of the meeting.

10. Members discuss the petition.

11. Chair calls for a motion.

12. Members vote.

These steps are repeated for each petition before the commission. Items five (5) and six (6) are the opportunities for the general public to comment about the proposal. The following section outlines an effective way for members of the public to organize and present comments during a public hearing.

Guidelines for Making an Effective Presentation at a Public Hearing

Whether supporting or opposing a proposed plan, a citizen can make a more effective presentation by preparing in advance and following guidelines for behavior during the hearing.

Before the Public Hearing:

- After deciding to comment on an agenda item, think about the

³² Adapted from “Public Hearings: A Citizen’s Guide”, Perdue University Cooperative Extension Service, 1999.

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logistics of organizing your comments. Determine if others will be addressing the same issues. If so, it is smart to coordinate your presentations to avoid duplication.

- Contact the planning commission before the hearing if you have any questions to ask about an item. Knowing the answers ahead of time will help you prepare your comments. Also, check on what time constraints will be imposed.
- If using handouts or a long document, consider making your materials available to the commission several days before the hearing. Let them know if you plan to use slides or overhead visuals and work out details on who provide the equipment.
- A certain amount of work beforehand helps ensure a successful presentation. Keep the following five steps in mind as you prepare.

1. Remember what your audience wants, expects, and needs. What the planning commission needs to hear are **facts** in order to weigh evidence and make a decision. Strive to keep emotion and opinion out of your presentation. ³³

2. Clearly define your main ideas. Before you try to communicate your ideas, be sure that they are clearly defined in your own mind. Keep focused on the main ideas, and support the important points with all other comments.

3. Organize your thoughts. After defining the main ideas, examine the arrangement and structure of the views. Decide the best sequence for the comments.

4. Choose appropriate style and language. Speaking before a planning commission requires an appropriate use of presentation style and language. Commissions may vary in levels of formality, but it is better to err on the side of being too formal than too casual.

5. Make sure you are familiar with the subject matter. You don't have to be an expert, but you should be familiar with your subject. If you refer to a document such as a comprehensive plan, you should know what the plan says and have a copy to refer to.

³³ *ibid.*

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- 6. Practice.** The last bit of preparation advice is to practice. It is a good idea to go over your remarks several times before you attend the meeting.³⁴

During the Public Hearing

It is important to register as a speaker when you arrive at the hearing. Look for a sign-in sheet or a staff person to check-in with. There are certain principles of behavior that should be followed in the public hearing. Be sure to arrive a few minutes before the scheduled starting time of the meeting. The following are guidelines for public hearing conduct:³⁵

- all comments and questions addressed to the chair;
- everyone addressed with title of respect (Mr., Ms., and so forth);
- polite, courteous, businesslike tone and manner (no yelling, smirking, rolling of eyes, giggling);
- no side conversations or whispering;
- no personal attacks;

- no threats; and
- no applause.

These simple rules of decorum can help keep the hearing on track and any discussions from getting out of hand. Someone else at the hearing may speak before you and voice many of the same concerns you were going to raise. If this happens, rather than repeating points that have already been made, it's better to express your agreement and present any new information that may be relevant.

After taking the time to prepare your presentation for the public hearing, it is still possible that you may disagree with the decision of the commission. If you find yourself in disagreement with land use and community planning decisions, there are some other steps you can take:

- Talk with your neighbors to find out if they share your views, then urge them to become involved.
- Be aware of local development patterns and their long-term impact on your community.

³⁴ "Presentations for Decision Makers: Strategies for Structuring and Delivering Your Ideas," Holcombe and Stein, 1983.

³⁵ "Indiana Citizen Planners Guide Part 1: Plan Commission Basics," Bergman, T., 1998.

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- Attend other meetings that include land use, growth, and planning on their agendas.
- Research what other communities are doing.
- Focus on solutions rather than focusing on problems
- Talk to elected officials, and share your ideas.

There is great value in thinking about your community's future, and finding others who share your vision. The best way to steer that future is to realize that decisions we make today will affect us tomorrow. Broad-based citizen participation in land use and community planning is one way to ensure a desirable future.

State Planning Office and Livable Delaware web sites

The State Planning Office web site offers a wealth of information on projects going through the Preliminary Land Use Service (PLUS), land use planning news, meetings and spatial data. It can be found at:

<http://www.state.de.us/planning>

The Livable Delaware web site explains the program and offers information on the work of the Livable Delaware subcommittees.

